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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 IN RE: SOCIAL MEDIA ADOLESCENT  
11 ADDICTION/PERSONAL INJURY PRODUCTS  
12 LIABILITY LITIGATION

13 This Document Relates To:

14 ALL ACTIONS

15 MDL No. 3047

16 Case No. 4:22-md-03047-YGR (PHK)

17 **JOINT STATUS REPORT ON**  
**FORENSIC IMAGING AND DEVICE**  
**DATA**

18 Judge: Hon. Yvonne Gonzalez Rogers

19 Magistrate Judge: Hon. Peter H. Kang

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1 Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the  
 2 Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices  
 3 (hereinafter “Main Devices”)<sup>1</sup> as well as the Parties’ progress in conferring on certain other topics as  
 4 directed by the Court.

5 **I. Search Terms & Word Searchable Databases**

6 In DMO 9, the Court ordered the Parties “to finalize their agreed upon search terms by no later  
 7 than August 16, 2024.” In the week following the August 8, 2024 DMC, the Parties continued to meet and  
 8 confer on Bellwether PI Plaintiffs search terms and made significant progress on finalizing those terms.  
 9 On August 16, 2024, the Parties filed a joint Stipulation and Proposed Order requesting a one-week  
 10 extension to continue their conferrals to further narrow disputes regarding a small number of remaining  
 11 search terms, which the Court granted. *See* ECF 1072. On August 23, 2024, the Parties filed an additional  
 12 joint Stipulation and Proposed Order (1) noting that they had reached agreement on general search terms  
 13 to be run across Bellwether PI Plaintiffs’ data sources, and (2) requesting a one-week extension until  
 14 August 30, 2024 to continue their conferrals and attempt to narrow disputes regarding a small number of  
 15 remaining case-specific search terms, which the Court granted. *See* ECF 1083. The Parties agreed to case-  
 16 specific search terms to be run across Bellwether PI Plaintiffs’ ESI on August 30; however, further  
 17 discussions may occur regarding the data sources across which a few terms will be run for two Bellwether  
 18 PI Plaintiffs.  
 19

20 **II. Forensic Imaging**

21 In DMO 9, the Court ordered: (1) the Parties “work out an agreement regarding an appropriate  
 22 procedure for dealing with CSAM on devices;” and (2) that Plaintiffs “produce full forensic imaging for  
 23 the remaining thirty-one devices at issue by no later than August 30, 2024.” *Id.* 2:20–23. The Court  
 24

25 <sup>1</sup> The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from  
 26 which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers,  
 27 and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they  
 28 have habitually, routinely, or regularly used during the relevant time period to access the Defendants’  
 platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

1 further ordered that “[s]uch production shall be on a rolling basis with full imaging of a minimum of five  
 2 devices due by August 16, 2024, a minimum of five additional devices due by August 23, 2024, and all  
 3 remaining devices due by August 30, 2024.” *Id.* at 2:23–25.

4 On August 30, 2024 Judge Kuhl entered an order governing the handling of CSAM in the JCCP.  
 5 *See* JCCP CMO 10. MDL Plaintiffs have conveyed that it is substantially similar to the processes already  
 6 in place in the MDL and that Plaintiffs would have no problem adopting the same in the MDL if a similar  
 7 order is required here.

8 As of August 30, 2024, Plaintiffs reported that their ESI vendor completed full file system (“FFS”)  
 9 images of all Plaintiffs’ Main Devices, other than an iPad belonging to Plaintiff S.K. and an iPhone 7  
 10 belonging to Plaintiff Melton, which purportedly cannot have a FFS image taken due to limitations of the  
 11 device. Plaintiffs’ digital forensics vendor made repairs to three devices to allow for FFS images to be  
 12 completed.

### 13 **III. Device Identifying Information**

14 In DMO 8, the Court ordered Plaintiffs to produce in chart form “every model number” and “the  
 15 applications” for the relevant devices. DMO 8 at 5–6. Because the Parties were not aligned on the content  
 16 of the chart, the Court clarified its intentions in DMO 9 and ordered the Parties to meet and confer by  
 17 August 16, 2024 “regarding what should be included in the chart of missing device identifying  
 18 information, after which Plaintiffs should begin supplementing the chart of agreed upon information.”  
 19 DMO 9 at 3:21–23. The chart shall be organized in a sufficient manner such that each device can be  
 20 readily identified with the corresponding data or files that are produced.” *Id.* at 3:11–13.

21 The Parties met and conferred on August 16, 2024 on the substance of a joint chart. Defendants  
 22 agreed to omit the columns for “Estimated Routine Usage,” “Operating System History,” “Application  
 23 Version,” “Date Application Installed” and “Date Application Deleted” from Appendix A for now, with  
 24 the understanding Defendants may request that information in the future depending on the device data that  
 25 Plaintiffs produce.

26 As of August 30, Plaintiffs have provided:

27 • The serial number or ICCID number for 20 devices;

- 1     • The IMEI, MEID, or MAC address for 28 devices<sup>2</sup>;
- 2     • The current operating system for 30 devices; and
- 3     • A list of applications on 21 devices.

4           Defendants provided an updated version of Appendix A to Plaintiffs on August 16, and Plaintiffs  
 5 provided further responsive information on August 19, August 26, and August 30, 2024. Plaintiffs agreed  
 6 to substantially complete the agreed upon information in Appendix A by August 30. Although Plaintiffs  
 7 produced identifying information for most Main Devices, and have provided application lists for one or  
 8 more Main Devices for each of the 12 Bellwether Plaintiffs, they have not yet provided certain  
 9 information, including a complete list of applications on at least ten Main Devices. As of August 30, 2024,  
 10 no application lists had been provided for 6 Main Devices, and 4 Main Devices had incomplete  
 11 information on Applications. Plaintiffs provided an updated spreadsheet one hour before the filing  
 12 deadline (at 10:55 PT) which Plaintiffs have relayed substantially remedies any missing or incomplete  
 13 information, but Defendants have not yet had the opportunity to review it.

14           **IV. Datasets, Relevant Applications, and Production format and logistics**

15           During the July 11 hearing, Plaintiffs represented that they would produce relevant information  
 16 from various data sources on Main Devices. Hrg. Tr. at 26:4–21, 34:15–21; see also Order at 6:6-12. Also  
 17 during the hearing, the Court noted that Plaintiffs’ “already started imaging a bunch of the devices. They’re  
 18 going to continue to image all the rest of them; right? And then [Defendants] are going to give them the  
 19 list of the databases, features, settings, all those things that you want from them.” *See* 7/11/24 Hrg Tr. at  
 20 47:16–21. The Court ordered that the parties to [w]ork and have your experts as part of the meet and  
 21 confers “to identify, not by name but descriptively … the types of databases for the system settings, for  
 22 example … and what you expect them to produce.” July 11, 2024 Hrg Tr. at 36-37. The Court made clear  
 23 that he expected “the plaintiffs to be forthcoming in producing and identifying what the various settings  
 24 are and what the databases are on the devices to avoid a full forensic turnover.” *Id.* at 37. Likewise,

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26           <sup>2</sup> Devices that connect only via Wi-Fi and do not have cellular capabilities do not need an IMEI or  
 27 MEID. This includes many laptops, tablets, and some e-readers. Plaintiffs have provided other Device  
 28 Identifying information (like MAC addresses and Serial Numbers) for these Wi-Fi only Main Devices.

1 Defendants were directed to “communicate transparently in the meet and confer process to figure out what  
2 types of databases, system log files, metadata files, and other kinds of information would help create this  
3 tapestry.” *See* 7/11/24 Hr’g Tr. at 37:20-24.

4 In DMO 8, the Plaintiffs were ordered negotiate search terms, and once finalized, to “run the  
5 agreed upon search terms on the data files from the Bellwether PI Plaintiffs’ devices and produce relevant,  
6 non-privileged ESI accordingly.” DMO 8 at 7:13-14. In DMO 9, the Court ordered: (1) the Parties “work  
7 out an agreement regarding an appropriate procedure for dealing with CSAM on devices;” and (2) ordered  
8 Plaintiffs to complete the “full forensic imaging for the remaining thirty-one devices at issue by no later  
9 than August 30, 2024.” with other interim rolling production deadlines. DMO 9 at 2:21-27; *Id.* 2:20-25;  
10 *see* ECF 1077.

11 To date, Plaintiffs have produced text searchable ESI from the subset of Main Devices which had  
12 prior logical extractions performed, and which Plaintiffs have produced from.-Plaintiffs are working with  
13 their forensic and ESI vendors to reproduce that data with the appropriate overlay to identify the particular  
14 device and database from which the data was produced.

15 Since search term negotiations have been largely finalized and CSAM process concerns have been  
16 addressed, Plaintiffs’ forensics vendor has begun extracting potential CSAM and sending the processed  
17 images of the Main Devices to Plaintiffs’ ESI vendors for processing and ingestion into the review  
18 platforms for search terms to be run and productions to be made. Plaintiffs are currently working with  
19 their forensics vendor and consulting with experts to identify the best way to compile various app usage  
20 data points from these device images in an effort to assist in identification of relevant applications in  
21 discussions with Defendants and their ESI or forensics vendor. The Parties have agreed to have an initial  
22 call on this with the appropriate vendors within the next week.

23 The Parties have reached an impasse regarding specific interim deadlines for the bellwether  
24 personal injury Plaintiffs to substantially complete search term productions of ESI from their forensically-  
25 imaged devices and expect to submit letter-briefing in time for the issue to be heard at the next DMC.  
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## V. Lost Devices<sup>3</sup>

Based upon information provided by bellwether Plaintiffs in discovery responses and separate correspondence, several Plaintiffs have lost, disposed of, or reset their devices they used to access Defendants' platforms since filing their complaints. Below is a listing of the relevant information as to each device.

	Plaintiff	Device	Information concerning Loss
1	Craig	iPhone 12 ProMax	According to this Plaintiff's response to Interrogatory No. 7, he "sold the iPhone 12 ProMax to a phone reclamation kiosk" in August 2022.
2	Craig	iPhone 13 ProMax	According to this Plaintiff's response to Interrogatory No. 7, he "sold the iPhone 13 ProMax to a phone reclamation kiosk" after purchasing an iPhone 15 sometime after October 2023.
3	Craig	Lenovo Chrome book	According to this Plaintiff's response to Interrogatory No. 7, he "sold [his] Chromebook" in "Spring 2023."
4	Davidson	HP laptop	According to this Plaintiff's response to Interrogatory No. 7, this laptop "was taken to a pawn shop" in May 2024 and it is no longer in her possession, custody, or control.
5	B.H.	iPhone 15	On August 7, Plaintiffs informed Defendants that this Plaintiff gave this device to her father who currently possess the device, according to a table provided by Plaintiffs on August 7, this device is no longer in her possession, custody, or control and referred Defendants to Plaintiff's email.
6	S.K.	iPhone 14	According to this Plaintiff's response to Interrogatory No. 7, she "routinely used" this device "to access Instagram and TikTok" and it is no longer "in [her] possession." According to a table provided by Plaintiffs on August 7, this device was logically imaged on September 14, 2023, so this device must have been lost after that date.
7	Melton	Samsung Tablet	According to this Plaintiff's response to Interrogatory No. 7, he "misplaced" this device in 2022 after it became inoperable.
8	Melton	Desktop	According to this Plaintiff's response to Interrogatory No. 7, he "discarded" this device in December 2023 and it "inexplicably crashed."

<sup>3</sup> Plaintiffs state that half of the devices provided in this list were not Main Devices as defined herein.

1	9	Mullen	MacBook	According to this Plaintiffs' response to Interrogatory No. 7, she is "not in possession" of this device and stopped being in possession of it sometime after "it was imaged in 2023 in connection with the litigation," but this device is not included Plaintiffs' Table of Main Devices.
2	10	Clevenger	iPhone 13	On August 22, Plaintiffs informed Defendants that Plaintiff Clevenger inadvertently performed a factory reset on her iPhone 13 in August 2024 after the Court ordered that Plaintiffs conduct a full file system extraction of all Main Devices.

7 The Parties have met and conferred on some of these devices and will continue to meet and confer  
 8 regarding any lost devices or data and any corresponding relief. The Parties will present any disputes over  
 9 these issues to the Court in a timely fashion.  
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11 **VI. Supplemental Status Reports**

12 The Parties will provide a Supplemental Status Report to the Court on September 12, 2024,  
 13 unless the Court directs otherwise.  
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15 Respectfully submitted,

16 DATED: September 6, 2024

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13 **ATTESTATION**

14 I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to  
15 the filing of this document has been obtained from each signatory hereto.

16 Dated: September 6, 2024

17 /s/ Andrea R. Pierson  
18 Andrea R. Pierson